

JUDGE STUART WANTS HAWAIIAN ESTATES DIVIDED IN SMALL LOTS

(Continued from page one)

leman with me who also made application, who had been in this Territory more than twelve years, and told me that he had been trying during that whole time to obtain a small tract of land at these drawings. As I have before said, I drew No. 13; he drew No. 175. Taking into consideration the superior rights of those present over myself I asked the Commissioner if I could transfer my right to another, and he told me no. Now, Mr. Secretary, the defects of these land laws have been fully placed before you, and while I have not your report, I understand that you have adopted the views of Governor Pinkham who seems to be perfectly satisfied with the land laws. He claims that Congress should keep their hands off and that all amendments, if any, should be made by the legislature of the Territory. I have heretofore pointed out to you that the "Commissioner" of Public Land has more power under these "Territorial" laws than the lands of the United States than you and the President put together. I have explained that the fault does not lie in the Acts of Congress which seek to give the homestead at least a forty-acre homestead, but it lies in the laws of this Territory, which enables the Governor and the Commissioner to absolutely ignore the Acts of Congress.

I am informed that the Governor says that Public lands have been over-estimated, and that he does not know of any homestead lands. But the examination of his report shows that the "Commissioner" who is given these unlimited powers has the right to divide lands into "classes," a certain class he calls homestead lands, another Timber lands, and still another Pasture lands. He has the right at his option to transfer from one class to the other and they cannot be taken out of that class until the spirit moves him to do so. Homestead lands are not open for filing of homestead claims until he sees proper to declare them open. When Congress says that forty acres may be taken as a homestead, he allows 2, 3, 5, and 10 acres to be taken. These can only be added to by taking two lots as before stated. Why should not the Commissioner fix a price on all lands (should you grant him such unheard of power) and bring them all into the market and let the entryman file upon them as Timber land; Homestead land; or Pasture land? Confine the acreage to the number of acres allowed to be taken by one individual in the particular class. The whole system is a one-man power, and has been and is now used by the wealthy as against the poor to deprive those of lands that need homes, and is most thoroughly undemocratic.

Let us go one step further and examine Governor Pinkham's report (see p. 39). Under the heading of Public Lands, Oahu County, we have the following:

Leased arable agricultural lands (same) subject to recall, 1015 acres
Subject to expiration, 2088.42 acres
Rice and taro lands leased, subject to recall, 52.80 acres
Subject to expiration, 424.00 acres
Other agricultural lands, leased, subject to recall, 1362.00 acres
Subject to expiration of lease, 218.80 acres
or 5364.47 acres in this County of the best agricultural land, every foot of which could be converted into homesteads. Continuing under the head of Unleased Arable Lands, we have in this County 1202 acres (same) land; and 185.65 acres rice or taro land making a total of arable agricultural lands in this County alone of 6784 acres. He adds to this, homestead lots not taken, 87.50 acres, and homestead lots surveyed, "not opened," 816.85; Pastoral land, leased, subject to recall, 5808.80 acres; subject to expiration, 2203 acres; unleased, 4373.92 acres; forest lands in reserves under lease, 434 acres; unleased, 25,366.80 acres; not reserved and unleased, 6850 acres; waste lands, 4015.04 acres; giving a grand total of lands in this County belonging to the United States of 58,239.72 acres, and out of which thousands of homesteaders would be pleased to select a homestead.

Now the only reason that these homesteaders cannot have this land is that Governor Pinkham says he does not know of any homestead land, and this whole matter rests in the mind of the Commissioner, rather than in the selection of the homesteader himself.

On page 41, it is said: "Homesteaders are assisted in all possible ways. Homestead roads are constructed out of the proceeds of homestead sales, rentals, etc. It is proposed not to open new homestead tracts until proper roads have been constructed. Herein lies the peculiarity of the land system of Hawaii. Had it been enforced in any of the States of the Union, none of them would have had one-third of the population they have today. No American citizen has ever thought of waiting to take a homestead until the Government built a road to it. I have worked on the roads in at least two of the Western States. Communities have always developed their own roads, where they were much more difficult of development than in Hawaii. The reason of the peculiar system is, that the gentlemen who have automobiles desire that all of the public lands should be used in building automobile roads. Such roads are of no use or but little use to the man who cannot afford an automobile and this pernicious system is being strictly enforced in this Territory and has been the rule with your knowledge ever since you have been in office.

Lying by the side of my tract of land is a tract of 40,000 acres that I am told is owned by the Rice Estate, the members of which have for long

years resided in Boston. Coming within three miles of the City of Honolulu, there is a tract of over 10,000 acres, owned by Mr. Damon, who obtained it as a gift from one of the members of the Royal Hawaiian Family. The laws of this Territory justify the Territory in proceeding to take lands by eminent domain for homesteads. The power of the United States under the laws of eminent domain is unrestricted and certainly could not be exercised in a more worthy or holy cause than furnishing citizens of the United States with homesteads. I have urged this view upon you, but you ignored by letter, and you have made no recommendations to Congress. If the Rice tract of 40,000 acres and the Damon tract of 10,000 acres, making 50,000 acres, was divided into forty-acre homesteads, 1250 needy Hawaiian families in this county alone could be supplied with homesteads from their own lands. One-third of the lands of this county belong to the Bishop Estate, which is placed in a close corporation for the ostensible purpose of supporting a college, but for the real purpose of taking care of the trustees and hangers on, which I understand have the power of choosing their successors. Now these lands of the Bishop Estate constitute one-third of the choicest lands of the county. Why should not the government take these lands under the law of eminent domain and divide them up among actual settlers?

If you would make such a recommendation to Congress, Mr. Secretary, it strikes me they would act upon it at once.

To be as exact as possible, I will say that the Bishop Estate lands in this county amount to about 75,000 acres. Thus you see that we could go far toward supplying all needy Hawaiians with a home, out of their former homes in the County of Oahu.

But aside from all questions of condemnation, is not the policy again declared by the Governor but a few days ago (see Advertiser, Dec. 29, 1914), in contravention of the often published views of the President, and the policy of the Democratic Party? I quote the Advertiser in full:

"GOVERNOR DECLINES TO OPEN HOMESTEADS"

"William J. Coelhe of Maui is in the city representing a number of Valley Island citizens who want to secure homesteads on that island. Coelhe was in conference with Governor Pinkham yesterday on the subject, but it is reported that he could not make the chief executive look at the question in a manner satisfactory to his clients. Governor Pinkham was reported to have said definitely that no homestead land tract would be opened until a road or roads could be built through the lands wanted."

Your excellency has been instrumental in placing in power here a Republican Government that is antagonistic to democratic doctrines; and you have tenaciously held on to keeping them in power. I have in my hands protests of the Hawaiian Democracy directed to the Speaker of the House and the President of the Senate that I have held off some six or eight months. These protests ask for an investigation by Congress of the matters herein referred to and other matters. My reason for withholding them was that I confidently believed you would take some action in the matter, before the last election, but you allowed the government that you installed here to defeat the Democratic Party. If Mr. Pinkham's nominations for office shall be approved by the Republican Senate that you have assisted in electing, it destroys the hope of democracy in this Territory for many years to come. I shall send a copy of this letter to the President and every cabinet officer. I hope that some speedy action will be taken without making the conditions in Hawaii a matter of general publicity. However, if nothing can be done through the Department of the Interior, the only resort left us is to petition Congress and ask for a public investigation. Do not construe this letter as being one of fault finding; but rather as penned in all sincerity and not aimed in any disrespect to you.

I am, Very respectfully,
(Signed) T. B. STUART,
Judge Stuart Readily Admits Writing Letter.

Commenting on his letter to Franklin K. Lane, secretary of the Interior, Judge T. B. Stuart said today that he believes the time is ripe for the publication of the communication.

Judge Stuart declined to discuss the contents of the letter or to state any action which he may take in the future regarding certain recommendations he makes.

"I thoroughly believe all that the letter contains, and I may be foolish enough to follow it through," he laughed.

Judge Stuart called attention to the visit made to Honolulu a short time ago by A. A. Jones, assistant secretary of the Interior. After an investigation, Mr. Jones made the statement that he believed that certain lands should be opened up for homesteading purposes, and that people from the mainland as well as residents of the territory should be allowed to come in and take it up.

It is understood that Secretary Lane has written to Governor Pinkham regarding the facts set forth in Judge Stuart's communication. Judge Stuart said that he has received an answer to the letter from Secretary Lane. He declined to make the answer public, but intimated that he might do so at a later date.

Transportation on the Punaco river, in the Mexican oil fields, has been resumed and oil companies are again shipping oil from Panuco to Tampico. The British navy draws the greater part of its fuel oil from that district.

CORNYN GIVEN LICENSE AFTER CAREFUL PROBE

Following a lengthy executive session from which their attorney, Clarence H. Olson was absent, the members of the board of Oahu liquor license commissioners yesterday afternoon granted renewal of licenses to Joseph Quintal, Service Saloon; Philip F. Cornyn, (Dick Sullivan), Fashion Saloon, and Drake & Smith, Encore Saloon.

The renewal of these licenses, and especially that of Cornyn, was protested by the Anti-Saloon League, mainly on the grounds of "undisclosed interests." H. Gooding Field's report of the financial transactions of Charles G. Lartlett, former president and manager of the brewery, shows that from July 3, 1913, to October 6, 1914, Cornyn borrowed from the brewery about \$16,000.

On March 27, 1914, Quintal gave the brewery a demand note for \$2600, according to the report. The report shows that on December 11, 1913, W. F. Drake of the Encore Saloon gave the brewery a demand note for \$10,162.55, and on January 1, 1915, another demand note for \$187.50.

Cornyn had been placed on the grill before the commission on several occasions, and his testimony had the appearance of being very unsatisfactory. He was on the stand again yesterday for a few minutes.

"What became of the receipts you sent to Mr. Schuman and Mr. Sayres at the brewery?" asked Chairman Lowrey.

"Sayres said the matter is all squared up and we will tear up all this old stuff." There were 10 or 12 receipts and a note for \$2500. They were torn up," answered Cornyn.

Cornyn, in answer to a question, said he had left the receipts with Mr. Sayres, the manager, at the brewery. Then he said he believed H. Gooding Field gathered them up.

Later, Cornyn testified that he had had a "heated argument" with President Schuman.

"I might have mentioned the whereabouts of those receipts, but the argument was about a different matter altogether," he said.

"Didn't you say yesterday that you had not seen Mr. Schuman?" the chairman asked.

"No, sir, I said I saw Mr. Schuman," answered Cornyn. "I said I didn't remember if I spoke to him about the notes."

Action on the license of Thomas A. Marlowe, proprietor of the Kentucky Bar, who admitted he told the board a falsehood last year when he testified he had gotten from relatives the \$8000 with which he bought the saloon, when

TILT OF WATER RATES PUT OFF; TO TRY METERS

The new water rates, which are an increase over those now in force, were ordered postponed by the board of supervisors on unanimous vote at a hearing held late yesterday. The period of postponement probably will be six months. Instead of trying new rates it was decided to thoroughly test several makes of meters, and when one is found that is satisfactory, meters of that make are to be installed generally throughout the city.

About 50 people were present and there were several speakers, but only one of these, L. L. McCandless, voiced his opposition to the meter system. He said that meters helped the government to rob the consumers. J. T. Warren, Raymond C. Brown, George R. Carter, W. W. Chamberlain, Lorrin A. Thurston, Supervisor Hollinger and others spoke in favor of meters and against the immediate going into effect of the new rates.

A letter from E. P. Fogarty, owner of many water privileges, was read. Fogarty cited several instances of rates established in houses owned by himself and others, and not any two, he said, are alike and all are discriminatory.

Superintendent Murray of the water works explained the workings of the new rates and presented a report to show that the expenses of the water works department now exceed the revenue. All speakers expressed satisfaction with the method of Murray in conducting the affairs of the water and sewer works department.

The statistics quoted during the hearing by Raymond C. Brown were obtained by him from books and statistical matter now on file in the new municipal reference library of the Chamber of Commerce, for which Ed Towse has boosted so long.

he really borrowed the money from the brewery, has been deferred until Monday afternoon at 4:30 o'clock.

The three-months' suspension of the license of Rosa & Company will begin July 19 and end October 17, inclusive.

E. C. Peters, attorney for the company, made an eloquent plea to the commission that it impose a fine on the company instead of suspending the license. He suggested a fine of \$2500, intimating that the company would lose that amount of money through the suspension.

"The charge is that the company violated the regulations of this board, in that its records were not properly kept," said Chairman Lowrey. "And also that Manager Calhao connived in the violation of the federal law against selling illicit liquor. There is no desire on the part of the board to change its decision."

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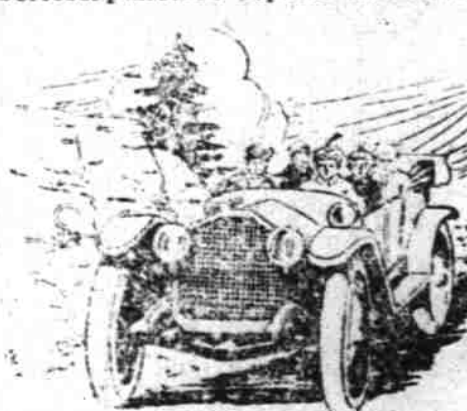
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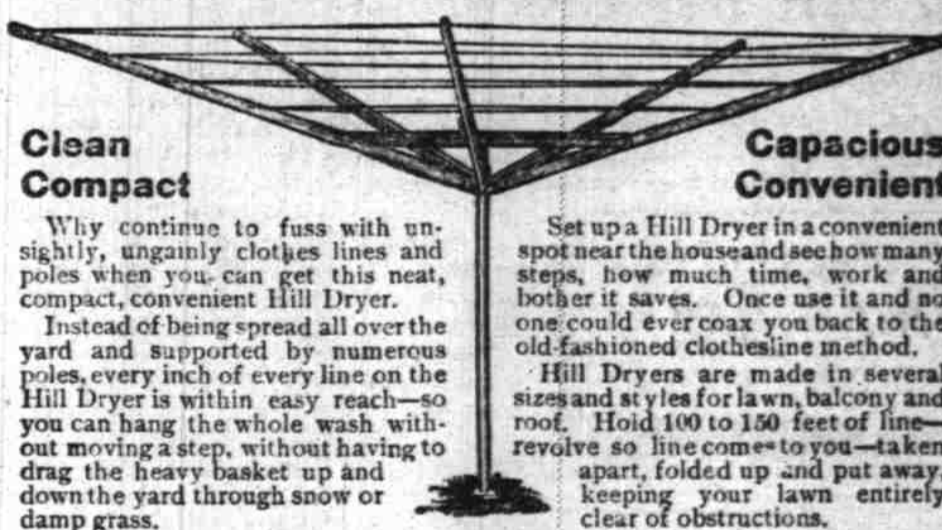
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